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MAR 04 2008

UNITED STATES DISTRICT COURT

ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

WESTERN DISTRICT OF LOUISIANA

ALISIA MARSHALL, FERRAR
MARSHALL, CARLEANA ELMORE
AND ALLEN MARSHALL, JR.

CIVIL ACTION NO.

VERSUS

3:08cv0310

RAY A. DAVIS,
PENSKE TRUCK LEASING,
BRIDGFOOD MARKETING COMPANY
AND AMERICAN ZURICH
INSURANCE COMPANY

JURY TRIAL DEMANDED

NOTICE OF REMOVAL
AND REQUEST FOR TRIAL BY JURY

Pursuant to 28 U.S.C. §§1441 and 1446, defendants, Bridgford Marketing Company and American Zurich Insurance Company, files this Notice of Removal of the above-captioned action from the Fourth Judicial District Court, Parish of Ouachita, State of Louisiana, to the United States District Court for the Western District of Louisiana. In connection with this Notice of Removal, the defendant respectfully represents as follows:

1.

On or about February 6, 2008, the matter of *Alisia Marshall, et al v. Ray A. Davis, et al,* was filed in the Fourth Judicial District, Parish of Ouachita, State of Louisiana, and assigned Docket No. 08-0485. A copy of the Petition is attached hereto as Attachment "1."

2.

On February 12, 2008, defendant, American Zurich Insurance Company, was served with a copy of the Petition for Damages.

3.

Upon information and belief, plaintiffs are residents of the State of Louisiana. Bridgford Marketing Company is a corporation organized and registered in the State of California. Penske Truck Leasing Corporation is a corporation organized and registered in the State of Pennsylvania. Ray A. Davis is a resident of the State of Texas. American Zurich Insurance Company is an insurance company, organized and registered in the State of Illinois.

4.

This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a) because the amount in controversy exceeds \$75,000 and is between citizens of different states.

5.

Pursuant to 28 U.S.C. §§1441(a) and 1446, this action is removable because this Court has jurisdiction over this case, this Notice of Removal is filed within 30 days after receipt of the Citation and the Petition for Damages by the defendant, and the state court in which this action was commenced is within this Court's judicial district.

6.

As required by 28 U.S.C. §1446(d), a Notice to State Court of Filing of Notice of Removal, and a copy of this Notice of Removal, will be promptly filed in the Fourth Judicial District Court, Parish of Ouachita, State of Louisiana, and served on plaintiff. A copy of the Notice to State Court of Filing of Notice of Removal is attached to this Notice of Removal as Attachment "2".

7.

There are no pending motions before the Fourth Judicial District Court relative to the plaintiff's Petition.

8.

Defendant requests a trial by jury on all issues triable by jury.


9.

Ray Davis and Penske Truck Leasing have not been served with the State Court Petition. When they are properly served, they will be represented by undersigned counsel. Ray Davis and Penske Truck Leasing consent to the removal.

WHEREFORE, defendants, Bridgford Marketing Company and American Zurich Insurance Company, respectfully request the removal of this action from the Fourth Judicial District Court, Parish of Ouachita, State of Louisiana, to the United States Court for the Western District of Louisiana.

Respectfully submitted:

THE LAW OFFICE OF
GERALDINE FONTENOT-ROBERTS

By: 
Valerie T. Schexnayder, T.A., No. 19779
Geraldine Fontenot-Roberts, No. 19574
William J. Mitchell, II, No. 17063
Terri M. Collins, No. 18315
450 Laurel Street, Suite 1701
Baton Rouge, LA 70801
Phone: 225-382-5550
Fax: 225-382-5555

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing has been forwarded this day, postage pre-paid and properly addressed, to all known counsel of record.

Baton Rouge, Louisiana this 3 day of March, 2008.


Valerie T. Schexnayder

\$ 350.00
row'd

THE LAW OFFICE OF
GERALDINE FONTENOT-ROBERTS

Employees of a Member Company of Zurich Financial Services Group

ATTORNEYS AT LAW

GERALDINE FONTENOT-ROBERTS
WILLIAM J. MITCHELL, II
TERRI MADERSON COLLINS
VALERIE T. SCHEXNAYDER

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ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

March 3, 2008

VIA OVERNIGHT MAIL

Clerk of Court
USDC, Western District
300 Fannin Street, Suite 1167
Shreveport, LA 71101

RE: Alisia Marshall, et al v. Ray A. Davis, et al
USDC, Western District; Civil Action No. _____

Dear Clerk:

Please find enclosed an original and two (2) copies of the following:

1. Notice of Removal and Request for Trial by Jury (with attachments);
2. Certificate of Compliance;
3. Rule 7.1 Disclosure Statement; and
4. Notice of Filing of Notice of Removal.

Please file the originals into the record and return a conformed copy in the self-addressed, stamped envelope provided.

Also enclosed is our company check in the amount of \$350.00 for costs of filing.

Should you have any questions, please feel free to contact my office at (225) 382-5550.

Clerk of Court
March 3, 2008
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With kind personal regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read "Valerie Schexnayder", with a long, sweeping horizontal line extending to the right.

Valerie T. Schexnayder

VTS/csc

Enclosure

cc: Mr. Stuart E. Spears (Claim No. 472-0045307-001)/Dallas
Mr. Gary Parris
Mr. James E. Ross, Jr.